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**Amendments to the Claims:**

This listing of claims will replace all prior versions and listings of claims in the application.

**Listing of Claims:**

1-11. (CANCELED)

12. (NEW) An information recording medium comprising a volume space for recording user data, a spare area containing a substitute area that can be used in place of a defective area contained in the volume space, and a defect management information area for recording defect management information used for managing the defective area,

wherein the defect management information contains defect location information indicating a location of the defective area and defect status information indicating an attribute of the defect management information, and

the attribute of the defect status information after physical reformatting of the information recording medium indicates that significant user data is not present in any of the defective area and the substitute area.

13. (NEW) A process for recording defect management information used for managing a defective area onto an information recording medium,

wherein the information recording medium includes a volume space for recording user data, a spare area containing a substitute area that can be used in place of the defective area contained in the volume space, and a defect management information area for recording the defect management information, and

the defect management information contains defect location information indicating a location of the defective area and defect status information indicating an attribute of the defect management information,

the process comprising:

recording the attribute of the defect status information indicating that significant user data is not present in any of the defective area and the substitute area as a result of physical reformatting of the information recording medium.

14. (NEW) An information recording device for recording information on an information recording medium including a volume space for recording user data, a spare area containing a substitute area that can be used in place of a defective area contained in the volume space, and a defect management information area for recording defect management information used for managing the defective area,

wherein the defect management information contains a DFL entry having defect location information indicating a location of the defective area and defect status information indicating an attribute of the defect management information, and

an initialization processing module is provided, which maintains at least the defect location information of the defect management information upon receiving an execution instruction of physical reformatting of the information recording medium and overwrites the defect status information with an attribute indicating that significant user data is not present in any of the defective area and the substitute area as a result of physical reformatting

15. (NEW) The information recording device, according to claim 14, wherein the DFL entry of the defect management information further comprises substitute location information indicating a location of the substitute area,

and the initialization processing module erases the substitute location information in the DFL entry, upon receiving an execution instruction of physical reformatting of the information recording medium.

16. (NEW) The information recording device according to claim 14, further comprising an inspection processing module for inspecting the defective area indicated by the DFL entry having an attribute indicating that physical reformatting has been performed while there is no operation instruction from a higher-level control device and invalidating the DFL entry if defects in the defective area have been eliminated and

allocating a substitute area to the defective area if a defect in the defective area is confirmed.

17. (NEW) An information recording device for recording information on an information recording medium including a sector that is a minimum unit in a case where a higher-level device records/reproduces user data, a cluster containing a plurality of the sectors, which is an error correction unit, and the plurality of the clusters, and including a volume space for recording user data, a spare area containing a substitute area that can be used in place of a defective area contained in the volume space, and a defect management information area for recording defect management information used for managing the defective area, wherein the defect management information contains a DFL entry having defect location information indicating a location of the cluster contained in the defective area and defect status information indicating an attribute of the defect management information,

the device further comprising a control module for, upon receiving a recording instruction with respect to at least one sector contained in a cluster represented by the DFL entry in which the defect status information has the attribute indicating that significant user data is not present in any of the defective area and the substitute area as a result of physical reformatting, performing recording processing of new user data with respect to the defective area and the substitute area, using dummy data, without using data present in the defective area and the substitute area.

18. (NEW) The information recording device according to claim 17, wherein the control module, after performing trial recording of data in an area indicated by defect location information corresponding to defect status information having the attribute in the defect management information, invalidates the DFL entry related to said area in case of success and allocates a substitute area to said area in case of failure.

19. (NEW) The information recording device according to claim 17, wherein when user data are recorded in a defective area indicated by the defect location information in the defect management information or when a substitute area is substituted for the

defective area as a result of substitution processing, an attribute indicating that the defective area has been physically reformatted is erased from the defect management information.

20. (NEW) An information reproducing device for reproducing information from an information recording medium including a volume space for recording user data, a spare area containing a substitute area that can be used in place of a defective area contained in the volume space, and a defect management information area for recording defect management information used for managing the defective area, the defect management information containing a DFL entry having defect location information indicating a location of the defective area and defect status information indicating an attribute of the defect management information,

the device comprising a control module for, upon receiving a reproducing instruction with respect to an area represented by the DFL entry in which the defect status information has the attribute indicating that significant user data is not present in any of the defective area and the substitute area as a result of physical reformatting, performing reproduction processing, using generated dummy data as user data in place of data present in the defective area and the substitute area.

21. (NEW) A drive device for performing at least one of recording processing and reproduction processing with respect to an information recording medium including a volume space for recording user data, a spare area containing a substitute area that can be used in place of a defective area contained in the volume space, and a defect management information area for recording defect management information used for managing the defective area,

the defect management information containing a DFL entry having defect location information indicating a location of the defective area and defect status information indicating an attribute of the defect management information,

the device comprising:

a determining part for, upon receiving a recording instruction or a reproduction instruction, determining whether or not an area requested for recording or reproduction is

indicated by the DFL entry, and the attribute of the DFL entry indicates that significant user data is not present in any of the defective area and the substitute area as a result of physical reformatting; and

a determining part for determining a processing content based on a determination result of the determining part.